

**BOARD OF PAROLE HEARINGS**  
**Executive Board Meeting**  
**January 15, 2013**

Meeting called to order at 10:04 a.m.

**CONSENT CALENDAR**

**Roll Call**

**Present:** Anderson, Ferguson, Figueroa, Fritz, Garner, LaBahn, Montes, Peck, Singh, Roberts, Turner, and Zarrinam

**Absent:** None

**Comments and Clarification regarding Board of Parole Hearings (BPH) Meeting Minutes: December 11, 2012**

There were no comments.

**BPH Lifer Hearing Backlog Report**

Executive Officer, JENNIFER SHAFFER reported the December backlog is approximately 33 hearings. The anticipated backlog in January is 25 hearings.

**Public Comments on Consent Calendar**

There were no public comments.

Commissioner TERRI TURNER made a motion to approve the consent calendar, which was seconded by Commissioner MARISELA MONTES. The consent calendar was unanimously approved.

**REPORTS**

**Report from the Executive Officer**

SHAFFER reported that the matter of RUSSELL REYES will not be heard as the inmate has been resentenced under Proposition 36.

*E-mail Address established for Written Comments*

SHAFFER gave the e-mail address of the mailbox set-up to receive written correspondence for board meetings.

**Report from Chief Counsel**

*Statutory Guidelines regarding Parole Hearing Decision Splits*

HOWARD MOSELEY, Chief Counsel, clarified that the law prohibits the board from considering anything outside of the record before the panel that rendered a tie vote. Therefore, no public comments will be taken.

MOSELEY referred this issue to the Best Practices Committee for a draft of an administrative directive.

## **OPEN COMMENTS**

### **BPH Commissioners – Agenda Items for Future Meetings**

There were no agenda items set forth for future meetings.

### **Public Comments**

MERVIN BROOKINS, a former lifer inmate, thanked Commissioner Garner for paroling him, and discussed his life following prison. He asked the Commissioners to afford other lifer inmates a second chance, as he was given.

BILL SPAHN, spoke regarding a Stanford Criminal Justice report used by many to show the low recidivism rate for lifer inmates. He pointed out that the report is not about recidivism, and that only a few reports with limited data have been completed on the subject.

VANESSA NELSON, of Life Support Alliance, addressed the recent murder committed in Vallejo by a discharged lifer inmate. She stated this is an anomaly and that each inmate should be judged on their own merits.

## **EN BANC HEARINGS**

### **Recall and Referral for Resentencing: *Penal Code section 1170(e)* cases**

**REYES, Russell**                      **K-87002**

Case was not put forth for consideration.

### **Decision Review: California Code of Regulations, Title 15, section 2042**

**GUTIERREZ, Doreen**                      **W-82022**

ALEXIS De la GARZA, from the Los Angeles District Attorney's Office, expressed concerns as to the amount of information given as to why a case was referred en banc. In the future, she requested a general statement as to why a case is being referred en banc.

ERIN MORGAN, Gutierrez's attorney, supported release.

**PERROTTE, Jeffery**                      **H-89472**

MICHELLE PERROTTE, Jeffery's wife, spoke in favor of parole.

JEFFREY PERROTTE, Jeffery's son, supported his father's release.

JESSICA PERROTTE, Jeffery's daughter, supported release.

RITIKA AGGAWAL spoke on behalf of the victim's sons and requested the inmate's release.

KEITH WATTLEY, the inmate's attorney, stated that he did not know why the case was referred to the Board, but spoke in favor of parole.

DEBORAH POSHIL, from the Riverside County District Attorney's Office, addressed concerns that letters from the victim's family were not considered at the last hearing. She

also raised concern that the last panel may have been biased. She requested that the victims be made aware of any relationship between a panel member and an inmate.

**PETERSON, Robert**                      **B-85767**

There were no speakers.

**VIRGIL, Glenda**                      **W-27823**

JULIA DEIXLER, a certified graduate legal assistant, spoke regarding Virgil's deteriorating health.

KRISTA NIEMCZYK, who worked on a domestic violence documentary featuring the inmate, supported parole.

ASHLEY CALDWELL, a USC law student who has visited Virgil in prison, spoke regarding the details of Virgil's declining health.

GLORIA KILLIAN, a former inmate and best friend of the inmate, supported release.

**Governor's Referrals: Penal Code section 3041.1**

**BENNETT, Tony**                      **H-10932**

ALEXIS Dela GARZA, from the Los Angeles District Attorney's Office, indicated she concurs with the Governor's concerns. She requested that the Board re-examine the Governor's reasons for referring the case en banc.

**WILLIAMS, Victor**                      **B-52321**

Jennifer SHAFFER asked Dr. Cliff Kusaj, Chief Psychologist, Forensic Assessment Division, Board of Parole Hearings, to address the Governor's concerns regarding the inmate's Static-99 rating.

Dr. Cliff KUSAJ explained how the Board's psychologist and the Division of Adult Parole Operations came to different conclusions pertaining to the inmate's Static-99. He encouraged the Board to weigh both risk assessments and to keep the differences in mind.

EDMOND GILL, from the Madera County District Attorney's Office, opposed parole.

**Governor's Referrals: Penal Code section 4802**

**BLACK II, Theodore**

Theodore BLACK described his life following parole. He asked for a pardon because it will help him obtain employment working with children.

**JASTER, Jeffery**

There were no speakers.

**LIVINGSTON, Richard**

RICHARD LIVINGSTON described his life and indicated he works with kids and juvenile hall and has given a lot to the community. He requested a pardon because he hopes to be a parole agent.

**MEDINA, Alejandro**

ALEJANDRO MEDINA asked for a pardon for his family and children.

**Tie Vote - Penal Code section 3041**

**ANDERS, Sheila**

**W-14543**

Public comments were not heard on the matter.

**Meeting was adjourned at 11:26 a.m.**

# BPH: PC 3041(d) Report ("Backlog" Report)

Dec, 2011 – Dec, 2012

